

General Instructions for Idaho Form 75

WHO MAY FILE

Any person or entity that has purchased 50 gallons or more of Idaho tax-paid gasoline or any quantity of Idaho tax-paid special fuels (diesel, propane, or natural gas) and used the fuel for a nontaxable purpose may file for a refund.

Only the final user (consumer) of the fuel may file Form 75.

- Any refund or tax due to a partnership or corporation must be reported by the business. It may not be applied to the individual returns filed by partners or shareholders.
- Any refund or tax due to a sole proprietorship must be reported by that individual.

You may claim a refund or report fuels tax due in one of the following ways:

- Monthly
- Quarterly
- Annually
- Alternate period (any period greater than one month but no more than one year)

If you file the claim with your Idaho income tax return, report the amount of the tax due or refund amount on the proper line of the return and attach Form 75 to the return. **NOTE: Do not claim a refund for tax-paid fuel on your Idaho income tax return if you have claimed a refund for the same tax-paid fuel on a separate Form 75 filed during the year.**

You may claim a refund of Idaho fuels tax if:

- You buy fuel with Idaho fuels tax included, but use the fuel in a nontaxable manner. This includes using the fuel: in unlicensed equipment; to operate a stationary engine; in a refrigeration unit or other auxiliary equipment that has a supply tank separate from the main supply tank of the motor vehicle; or for home heating.
- You file reports under the International Fuel Tax Agreement (IFTA) or operate an intrastate motor vehicle and use fuel from the main supply tank of a licensed motor vehicle to operate power take-off equipment (special fuels only) or auxiliary engines (special fuels and gasoline). IFTA carriers must submit a copy of their IFTA report and Form 75-IC worksheet. Intrastate motor vehicle operators must complete and attach the Idaho Fuels Tax Refund Worksheet, Form 75-IMV. The allowances are listed in the Idaho Fuels Tax Administrative Rules, on the Form 75-IC worksheet, and on the Form 75-IMV worksheet. For more information, visit the Idaho State Tax Commission's Web site at tax.idaho.gov/ifta.htm.
- You operate an intrastate motor vehicle and use special fuels on nontaxable roads. You must complete and attach the Idaho Fuels Tax Refund Worksheet, Form 75-IMV.
- You use special fuels in a motor vehicle owned or leased, and operated by an agency of the federal government or the state of Idaho, including its political subdivisions (local government).
- You buy gasoline or special fuels with Idaho motor fuels tax included and use the fuel in aircraft. You may only claim a refund of the difference between the Idaho motor fuels tax rate and the aviation gasoline or jet fuel tax rate. Refer to specific instructions for an **Aircraft Fuels Tax Refund**.

You may not claim a refund of Idaho fuels tax for:

- Gasoline used in licensed motor vehicles.
- Gasoline or special fuels used in recreational vehicles or noncommercial motorboats.
- Gasoline or special fuels purchased from an Indian-owned retail outlet.*

You owe Idaho fuels tax if you purchased gasoline, special fuels, or aircraft fuel, (including purchases of gasoline and special fuels from an Indian-owned retail outlet*) and:

- You did not pay the Idaho fuels tax, and
- You used the fuel in a taxable manner in Idaho.

***An INDIAN-OWNED RETAIL OUTLET is:**

- Located within the boundaries of a federally recognized Indian reservation, and
- Owned and operated by one of the following:
 - The Coeur d'Alene, Kootenai, Nez Perce, Shoshone/Bannock, or Shoshone/Paiute tribe.
 - An enterprise owned by one of the tribes listed above.
 - An enrolled member of one of the listed tribes on whose reservation the retail outlet is located.

AIRCRAFT FUELS TAX REFUND

If you have paid the aviation gasoline tax or the jet fuel tax, no additional tax or refund is due.

Gasoline. If you buy gasoline and pay Idaho gasoline tax, then use the gasoline in an aircraft, you are entitled to a refund of the difference between the gasoline tax rate and the aviation gasoline tax rate.

Diesel. If you buy undyed diesel fuel and pay the Idaho diesel fuel tax, then use the tax-paid diesel fuel in an aircraft, you are entitled to a refund of the difference between the diesel fuel tax rate and the jet fuel tax rate.

Complete Section V FUELS TAX REFUND to compute the refund amount for the gasoline and/or diesel fuel tax and **Section VI FUELS TAX DUE** to compute the aviation gasoline and/or jet fuel tax due.

AIRCRAFT FUELS TAX DUE

Complete Section VI FUELS TAX DUE of this form to compute the aircraft fuels tax due if the Idaho fuels tax has not been paid on the diesel, gasoline, or other fuels used in your aircraft. You must report the tax due at the jet fuel or aviation gasoline tax rate.

USE TAX DUE

Use tax does not apply when the fuel purchased would qualify for the production, manufacturing, farming, or other exemptions.

When fuel is not subject to motor fuels tax, it is subject to sales tax unless a sales tax exemption applies. If sales tax was not collected on its purchase, the purchaser owes use tax.

Use tax is a tax on goods that are put to use in Idaho. If sales tax has not been paid on goods that are used (or stored for later use), the person who uses or stores the goods in Idaho owes a use tax (unless the goods are held for resale or some other exemption applies).

The sale of motor fuel is exempt from sales and use tax if the fuel is subject to motor fuel tax or if the motor fuel tax is paid when the fuel is purchased. However, when a refund of the motor fuel tax is obtained, the value of the fuel less the state and federal taxes, if applicable, becomes subject to use tax. **(See Specific Line 4 Instructions for Section VII and Section VIII to determine if federal taxes are deductible.)**

If you owe use tax, you must report it on your Idaho income tax return, Idaho sales or use tax return, or Form 75 by completing **Section VII USE TAX DUE** and/or **Section VIII USE TAX DUE**.

Specific Line Instructions

TAXPAYER INFORMATION

Enter name, assumed business name (DBA) (the name under which you are doing business), address, and Social Security number (SSN) or federal Employer Identification Number (EIN).

If you are reporting as an individual or sole proprietor and not as an S corporation, corporation, partnership, estate, or trust, you must use your SSN. **DO NOT USE AN EIN.**

YOU MUST PROVIDE THE INFORMATION REQUESTED FOR SECTIONS I, II, AND III TO RECEIVE A FUELS TAX REFUND. IF A FORM IS NOT COMPLETE, WE MAY RETURN IT TO YOU FOR CORRECTION.

FILING PERIOD

Section I. Enter the appropriate beginning and ending date for the filing period.

BUSINESS ACTIVITIES

Section II. Mark each box that describes the business activities of your company. If your company's business activities are not described by any of the listed categories, mark the "Other" box and describe your company's business activities.

NONTAXABLE USE

Section III. Mark each box that describes the nontaxable use(s) to claim a refund of fuels taxes. For unlicensed equipment, list the type of equipment in the space next to the boxes. Attach additional pages if needed. If you have nontaxable use of fuel that is not described by any of the listed categories, mark the "Other" box and describe your nontaxable use.

ROUNDING AMOUNTS

Except for lines 2, 3, 4, and 5 of Sections VII and VIII, round the amounts on this report to the whole gallon or dollar. Reduce amounts less than .50 to the whole gallon or dollar. Increase amounts of .50 or more to the next whole gallon or dollar.

FUELS TAX REFUND

Section V. Line 1. Enter the number of Idaho tax-paid gallons of fuel used in a nontaxable manner during the filing period in the appropriate column by fuel type. Round to the nearest whole gallon.

Line 3. Multiply line 1 by line 2 for each fuel type.

FUELS TAX DUE

Section VI. Line 1. Enter the number of untaxed gallons of fuel used in a taxable manner during the filing period in the appropriate column by fuel type. Round to the nearest whole gallon.

Line 3. Multiply line 1 by line 2 for each fuel type.

USE TAX DUE

Complete Section VII to report fuel USED **on or after** July 1, 2005, at 5%.

Complete Section VIII to report fuel USED **from** May 1, 2003 **through** June 30, 2005, at 6%.

Specific line instructions for Section VII and Section VIII.

You must separately calculate and report the USE TAX DUE in Section VII and Section VIII if you are reporting use tax and the fuel use falls under two or more of the following situations:

- Use qualifies for a federal tax refund.
- Use does not qualify for a federal tax refund.
- You are reporting dyed diesel fuel.

Make a copy of page 2 of the Form 75 for each additional calculation. Total the USE TAX DUE from each page 2 and include in the total for Section IV, line 5 of the Form 75.

Line 1. In the appropriate fuel type column, enter the number of gallons of fuel from Section V, line 1, or the number of gallons of untaxed fuel, that do not qualify for a sales tax exemption.

Line 2. To compute the average price per gallon, first add the total cost of fuel for each fuel type purchased during the refund period. Next, divide that total by the number of gallons on line 1 in the same column. The computation must be carried to 4 decimal places (x.xxxx).

Line 3. Do not use line 3 for dyed diesel fuel because the state fuels tax is not included in the price of dyed diesel fuel.

Line 4. Enter the federal tax rate for each fuel type if:

- you purchased fuel that included the federal tax in the price, and
- you are eligible to receive a refund of the federal tax on that fuel.

For example:

- **Federal refundable use.** You may use line 4 if you are a contractor who purchased undyed diesel fuel, paid the federal tax, and used the fuel in a backhoe. If you have questions about federal nontaxable uses of fuel, please contact the Internal Revenue Service (IRS).
- **Federal nonrefundable use.** Do not use line 4 if you use undyed diesel fuel in a licensed motor vehicle for which a refund of the federal tax is not allowed.
- **Dyed diesel fuel.** Do not use line 4 for dyed diesel fuel because the federal fuels tax is not included in the price of dyed diesel fuel.

Note: Line 4 is for calculation purposes only. You must make federal tax refund claims to the IRS.

FEDERAL TAX RATES (as of 7/1/2001)						
	Gasoline	Av Gas	Jet Fuel	Undyed Diesel	Propane	Nat Gas
Tax Rate	.184	.194	.219	.244	.136	\$.4854*

* Per thousand cubic feet. One thousand cubic feet equals 10 therms/gallons.

TOTAL REFUND OR TAX DUE

Section IV. Complete lines 1 through 7. (If the box for line 5 is checked, enter 0 on that line.)

If you are filing this Form 75 with your Idaho income tax return, enter amounts from the following lines on your tax return.

- Section IV, line 1 on the Gasoline tax refund line.
- Section IV, line 2 on the Special fuels tax refund line.
- Section IV, the total of lines 3 and 4 on the Special fuels tax due line.
- Section IV, line 5 on the Sales/use tax due line.

SIGNATURE

You must sign Form 75 if you file it separately from your income tax return. **An unsigned form will delay your refund.**